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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,367	11/06/2001	Craig R. Shambaugh	6065-82965	5567

7590 06/17/2004  
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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,367

Applicant(s)

SHAMBAUGH ET AL.

Examiner

Bing Q Bui

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-21 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 9-13 and 22-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-31 are pending in the application for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 14-21 and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Dezonno (US Pat No. 6,744,879).

Regarding claim 1, Dezonno teaches a method of allocating resources (e.g., agent) within a call center based upon a predetermined business rule (e.g., profit-based) of an enterprise controlling the call center, such method comprising the steps of:

analyzing records from a plurality of call transactions based upon the predetermined business rule (see col. 5, ln 48 – col. 6, ln 41);

recognizing a correlation among the call transaction records based upon the predetermined business rule; and adjusting a resource of the call transactions based upon the recognized correlation and predetermined business rule (see col. 5, ln 48 – col. 6, ln 41).

Regarding claim 2, Dezonno teaches the step of analyzing records further comprises determining a profit margin for each call transaction of the plurality of call transactions.

Regarding claim 3, Dezonno teaches the step of recognizing a correlation further comprises associating the determined profit with a call type of each of the plurality of call transactions (see col. 5, ln 48 – col. 6, ln 41).

Regarding claim 4, Dezonno teaches the step of associating the determined profit with a call type of each of the plurality of call transactions further comprises identifying a first call type with a highest relative profit and a second call type with a lowest relative profit (see col. 5, ln 48 – col. 6, ln 41).

Regarding claim 5, Dezonno teaches the step of adjusting a resource further comprises further comprises reassigning agents from the second call type with a lowest relative profit margin to the first call type with a highest relative profit margin (see col. 5, ln 48 – col. 6, ln 41).

Regarding claim 6, Dezonno teaches the step of analyzing records further comprises determining an average speed of answer for each call transaction of the plurality of call transactions (see col. 5, ln 48 – col. 6, ln 41).

Regarding claim 7, Dezonno teaches the step of recognizing a correlation further comprises associating the determined average speed of answer with a call type of each of the plurality of call transactions (see col. 5, ln 48 – col. 6, ln 41).

Regarding claim 8, Dezonno teaches the step of associating the determined average speed of answer with a call type of each of the plurality of call transactions

Art Unit: 2642

further comprises prioritizing call types based upon the predetermined business rule (see col. 5, ln 48 – col. 6, ln 41).

As to claims 14 and 27, they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 14 and 27 are merely a system for implementing the method defined in the method claim 1.

As to claims 15 and 28, they are rejected for the same reasons set forth to rejecting claim 2 above, since claims 15 and 28 are merely a system for implementing the method defined in the method claim 2.

As to claims 16 and 29, they are rejected for the same reasons set forth to rejecting claim 3 above, since claims 16 and 29 are merely a system for implementing the method defined in the method claim 3.

As to claims 17 and 30, they are rejected for the same reasons set forth to rejecting claim 4 above, since claims 17 and 30 are merely a system for implementing the method defined in the method claim 4.

As to claims 18 and 20-21, they are rejected for the same reasons set forth to rejecting claims 5 and 7-8 above, since claims 18 and 20-21 are merely a system for implementing the method defined in the method claims 5 and 7-8, respectively.

As to claims 19 and 31, they are rejected for the same reasons set forth to rejecting claim 6 above, since claims 19 and 31 are merely a system for implementing the method defined in the method claim 6.

***Allowable Subject Matter***

Art Unit: 2642

4. Claims 9-13 and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,903,641

U.S. Pat. No. 6,278,777

U.S. Pat. No. 6,661,882

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

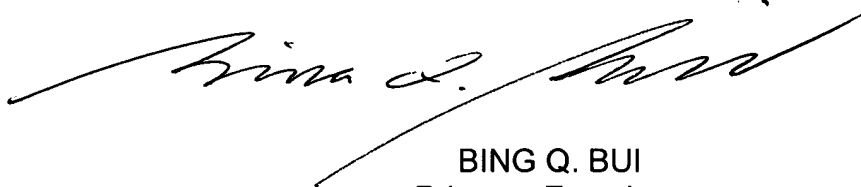
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

EXPEDITED PROCEDURE ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Art Unit: 2642

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Paper Number : 5

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

BING Q. BUI  
Primary Examiner